

Applicants: Robert E. Canfield, et al.  
Serial No.: 09/404,076  
Filed: September 23, 1999  
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Specifically, applicants note that the March 15, 2005 Office Action required only that applicants cancel claim 47. In response, applicants canceled claim 47 without prejudice in the Amendment filed April 15, 2005. Accordingly, applicants maintain that the Amendment filed April 15, 2005 was fully responsive.

In the July 8, 2005 Communication, the Examiner asserted that new matter has been inserted into claim 38. In response, applicants respectfully traverse, noting that the matter added to claim 38 via the April 15, 2005 Amendment can be found in the specification as originally filed at page 12, line 33 to page 13, line 13; and in Figure 7.

Finally, in the July 8, 2005 Communication, the Examiner removed rejoinder of claims 27, 29, 31, 35-37, 43-46 and 48. Applicants do not concede the correctness of the removal of rejoinder.

Regardless of whether the Examiner's assertion of new matter and removal of rejoinder are proper, applicants have properly responded to the March 15, 2005 Communication. Applicants note that the Examiner can fully address such issues in a subsequent Office Action.

Accordingly, applicants respectfully request that the Examiner confirm that (i) the July 8, 2005 Communication was issued in error, and (ii) that under 37 C.F.R. §§ 1.702-1.705, issuance of the Communication will therefore not have any effect on patent term adjustment (extension) that a patent issuing from the subject application might otherwise be entitled to.

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If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone them at the number provided below.

No fee is deemed necessary in connection with the filing of this communication. However, if any fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,



I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

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8/8/01  
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